

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

ILLINOIS DEPARTMENT OF HUMAN
RIGHTS and HOPE FAIR HOUSING CENTER,

Complainant,

and

STOOPS ENTERPRISES, LLC,

Respondent.

CHARGE NO(S): 2008CH2652
HUD NO(S): 05-08-0734-8
ALS NO(S): 08-0514

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Entered this 9th day of February 2010

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS
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RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent's motion to dismiss this case, filed April 17, 2009, for Hope Fair Housing Center's failure to appear. The record shows that the motion has been served on all parties and the Illinois Department of Human Rights.

The Illinois Department of Human Rights is a party to this action and is also an additional statutory agency that has issued state actions in this matter. It is, therefore, named herein as an additional party of record.

CONTENTIONS OF THE PARTIES

Respondent contends this matter should be dismissed for Hope Fair Housing Center's failure to appear to litigate this case. Hope filed no response to the motion.

FINDINGS OF FACT

The following findings of fact were made from the record:

1. Complainant filed a Charge of Discrimination with the Illinois Department of Human Rights (Department) on May 2, 2008, amended on June 5, 2008.
2. The Department, on behalf of Complainant, filed this Complaint with the Illinois Human Rights Commission (Commission) on November 21, 2008, and named itself as a co-complainant pursuant to Section 8B-102(H) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*

3. The record shows that Complainant, Hope Fair Housing Center (Hope), was served with notice of the Complaint and scheduled public hearing by certified mail on December 3, 2008.
4. Respondent filed a verified answer to the Complaint on January 16, 2009.
5. The Department and Respondent both appeared through respective counsel on the initial public hearing date, February 10, 2009. Hope failed to appear. An order was entered continuing the matter until April 14, 2009. On April 14, 2009, the Department and Respondent appeared through respective counsel; Hope again failed to appear. Respondent made an oral motion to dismiss this matter. An order was entered ordering Respondent to file a written motion to dismiss by April 24, 2009, and ordering Hope to file a response to the motion no later than May 8, 2009. The parties were ordered to appear for hearing on the motion on May 12, 2009. The record shows that the Commission served the April 14, 2009 order on Hope on April 14, 2009.
6. On May 12, 2009, the Department and Respondent appeared through respective counsel. Hope did not appear. The record showed that Hope filed no response to the motion.
7. Counsel for the Department represented that it could not proceed with the case without the assistance of Hope.

CONCLUSION OF LAW

Hope's conduct in failing to appear for scheduled hearings and in failing to file a response to the motion to dismiss justifies dismissal of this matter.

DETERMINATION

Dismissal of this Complaint is warranted due to Hope's failure to appear to prosecute this matter.

DISCUSSION

Complainant filed a Charge of Discrimination with the Illinois Department of Human Rights (Department) on May 2, 2008, amended on June 5, 2008. The Department, on behalf of Complainant, filed this Complaint with the Illinois Human Rights Commission (Commission) on

November 21, 2008, naming itself as a co-complainant pursuant to Section 8B-102(H) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*

The record shows that Complainant, Hope Fair Housing Center (Hope), was served with notice of the Complaint and scheduled public hearing by certified mail on December 3, 2008. Respondent filed a verified answer to the Complaint on January 16, 2009.

The Department and Respondent both appeared through respective counsel on the initial public hearing date, February 10, 2008. Hope failed to appear. An order was entered continuing the matter until April 14, 2009. On April 14, 2009, the Department and Respondent appeared through respective counsel; Hope again failed to appear. Respondent made an oral motion to dismiss this matter. An order was entered ordering Respondent to file a written motion to dismiss and ordering Hope to file a response to the motion no later than May 8, 2009. The parties were ordered to appear for hearing on the motion on May 12, 2009. The record shows that the Commission served the April 14, 2009 order on Hope on April 14, 2009.

On May 12, 2009, the Department and Respondent appeared through respective counsel. Hope did not appear. The record showed that Hope filed no response to the motion. Counsel for the Department represented that it could not proceed with the case without the assistance of Hope.

Respondent contends this matter should be dismissed due to Complainant's failure to appear to litigate this matter. Section 5/8A-102(I)(6) of the Act authorizes a recommended order of dismissal, with prejudice, as a sanction for a party's failure to prosecute his case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous order of the Administrative Law Judge. Complainant's failure to appear to litigate this matter warrants dismissal of this case.

RECOMMENDATION

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

ENTERED: May 12, 2009

BY: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section